

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Theresa Kown Doe,

Plaintiff,

vs.

Alltel Corporation, doing business as  
Verizon Wireless,

Defendant.

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Court File No. 20-cv-01018 (PJS/DTS)

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**ANSWER**

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Defendant Alltel Corporation ("Defendant") answers the Complaint of Plaintiff Theresa Kown Doe ("Plaintiff"), as follows:

1. Answering Paragraph 1 of the Complaint, Defendant admits that Plaintiff purports to assert a claim against Defendant pursuant to the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.*, and that Plaintiff seeks actual damages, costs, and attorney's fees. Defendant denies violating the FCRA, or any other law, denies that Plaintiff is entitled to any relief from Defendant, and further denies the remaining allegations in Paragraph 1.

## **JURISDICTION**

2. Answering Paragraph 2 of the Complaint, Defendant states that it consists of legal conclusions to which no response is required. To the extent a response is required, Defendant states that Plaintiff is contractually obligated to arbitrate any disputes with Defendant and must submit her claims against Defendant to binding arbitration. Moreover, Defendant denies that it violated the FCRA, or FDCPA.

3. Answering Paragraph 3 of the Complaint, Defendant admits that, under certain circumstances and in certain situations, Defendant conducts business in this District. As to the remaining allegations, they consist of legal conclusions to which no response is required. To the extent a response is required as to the remaining allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

## **PARTIES**

4. Answering Paragraph 4 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

5. Answering Paragraph 5 of the Complaint, Defendant admits that it was formed in Delaware. As to the remaining allegations, they consist of legal conclusions to which no response is required.

### **FACTUAL ALLEGATIONS**

6. Answering Paragraph 6 of the Complaint, Defendant admits that, in December of 2015, Plaintiff incurred a financial obligation to Defendant.

7. Answering Paragraph 7 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

8. Answering Paragraph 8 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

9. Answering Paragraph 9 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

10. Answering Paragraph 10 of the Complaint, Defendant denies the allegations.

11. Answering Paragraph 11 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

12. Answering Paragraph 12 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

13. Answering Paragraph 13 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

14. Answering Paragraph 14 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

15. Answering Paragraph 15 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

16. Answering Paragraph 16 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

17. Answering Paragraph 17 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

18. Answering Paragraph 18 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

19. Answering Paragraph 19 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

20. Answering Paragraph 20 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

21. Answering Paragraph 21 of the Complaint, Defendant denies the allegations.

22. Answering Paragraph 22 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

23. Answering Paragraph 23 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

24. Answering Paragraph 24 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

25. Answering Paragraph 25 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and, on that basis, denies them.

26. Answering Paragraph 26 of the Complaint,

27. Answering Paragraph 27 of the Complaint, Defendant denies the allegations.

28. Answering Paragraph 28 of the Complaint, Defendant denies the allegations.

29. Answering Paragraph 29 of the Complaint, Defendant denies the allegations.

30. Answering Paragraph 30 of the Complaint, Defendant denies the allegations.

31. Answering Paragraph 31 of the Complaint, Defendant denies the allegations.

32. Answering Paragraph 32 of the Complaint, Defendant denies the allegations.

**TRIAL BY JURY**

33. Answering Paragraph 33 of the Complaint, Defendant admits that Plaintiff has demanded a trial by jury. As to the remaining allegations of Paragraph 33, they consist of legal conclusions to which no response is required.

**CAUSE OF ACTION  
COUNT I  
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT  
15 U.S.C. § 1681 *et seq.***

**DEFENDANT VERIZON**

34. Answering Paragraph 34 of the Complaint, Defendant repeats and re-alleges its responses to the preceding paragraphs as though fully set forth herein.

35. Answering Paragraph 35 of the Complaint, Defendant denies the allegations.

36. Answering Paragraph 36 of the Complaint, Defendant denies the allegations.

37. Answering Paragraph 37 of the Complaint, Defendant denies the allegations.

38. Answering Paragraph 38 of the Complaint, Defendant denies the allegations.

39. Answering Paragraph 39 of the Complaint, Defendant denies the allegations.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

1. Defendant reserves the right to compel contractual arbitration.

### **Second Affirmative Defense**

2. Defendant conducted a reasonable investigation of any and all disputes received from a credit reporting agency.

### **Third Affirmative Defense**

3. Plaintiff fails to state a claim upon which relief can be granted against Defendant.

### **Fourth Affirmative Defense**

4. Plaintiff's claims are barred in whole or in part because Plaintiff has failed to mitigate her alleged damages, if any.

### **Fifth Affirmative Defense**

5. Plaintiff is barred from obtaining the relief sought in the Complaint by the doctrines of estoppel, waiver, unclean hands, laches, or other equitable doctrines.

**Sixth Affirmative Defense**

6. Plaintiff's claims are barred in whole or in part because Plaintiff consented to, ratified, or acquiesced in all of the alleged acts or omissions alleged.

**Seventh Affirmative Defense**

7. Defendant's conduct was privileged or justified.

**Eighth Affirmative Defense**

8. Plaintiff has waived any and all claims, rights and demands made in the Complaint.

**Ninth Affirmative Defense**

9. Plaintiff's claims may be barred because the acts or omissions of which Plaintiff complains have been approved or mandated, implicitly or expressly, by applicable statutes and regulations.

**Tenth Affirmative Defense**

10. Plaintiff's claims may be barred because Defendant at all times complied in good faith with all applicable statutes and regulations.

**Eleventh Affirmative Defense**

11. Defendant specifically denies that it acted with any willfulness, oppression, fraud or malice towards Plaintiff.

**Twelfth Affirmative Defense**

12. Any harm alleged in the Complaint can be attributed to several causes, and the damages for this harm, if any, should be apportioned among the various causes according to the contribution of each cause to the harm sustained.

**Thirteenth Affirmative Defense**

13. If Plaintiff suffered or sustained any loss, injury, damage or detriment, it was directly and proximately caused and contributed to by the breach, conduct, acts, omissions, activities, carelessness, recklessness, negligence, or intentional misconduct of others, and not by Defendant.

**Fourteenth Affirmative Defense**

14. If Plaintiff suffered or sustained any loss, injury, damage or detriment, it was directly and proximately caused and contributed to by the intervening acts of others, and not by Defendant.

**Fifteenth Affirmative Defense**

15. If Plaintiff prevails against Defendant, Defendant's liability is several and limited to their own actionable segment of fault, if any.

**Sixteenth Affirmative Defense**

16. Defendant specifically gives notice that it intends to rely upon such other defenses as may become available by law, or pursuant to statute, or during any further discovery proceedings of this case, and hereby reserve the right to amend its Answer and assert such defenses.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff takes nothing;
2. For costs of suit herein;
3. For attorneys' fees to the extent available by law or contract; and

For such other and further relief as this Court may deem just and proper.

Date: July 10, 2020.

Respectfully Submitted,

LEVENTHAL pllc

/s/Seth Leventhal

Seth Leventhal

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